

REMARKS

Claims 1-44 are pending of which claims 1 and 44 are independent. In this Amendment, claim 44 has been amended to clarify an aspect of the invention and claims 1-43 have been amended to correct minor errors. Support is found in, for example, paragraphs [0121]-[0124] of the application-as-published. Care has been exercised not to introduce new matter.

Rejections of Claims Under 35 U.S.C. § 112

Claim 44 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner indicated that neither specification nor drawings disclose the rod prism in which the light entrance direction differs from the light exit direction. However, FIG. 36(b), which is a front view of the integrator 3' surrounded by the wheel 4B, illustrates the incident side of rod integrator 3' is folded. In addition, FIG. 37 (b), which is a front view of the integrator 3' surrounded by the wheel 4C, illustrates the emitting side of rod integrator 3' is folded. The apparent support is also disclosed in the following excerpted portion of paragraph [0123] of the application-as-published.

“Although a portion on the incident side of the rod integrator 3' is folded in the configuration shown in FIG. 36, it is also possible to use a rod integrator 3" folded on the emitting side, and to use a small-diameter black-and-white wheel 4C, as shown in FIG. 37.”

One skilled in the art would be able to make and use the claimed invention without undue experimentation based on the disclosure in FIGS. 36 and 37 and the specification. Therefore, the rejection is respectfully traversed.

Rejections of Claims Under 35 U.S.C. § 102

Claim 44 was rejected under 35 U.S.C. § 102(e) as being anticipated by McGettigan et al. (U.S. Patent No. 6,827,450, hereinafter “McGettigan”). The rejection is respectfully traversed for the following reasons.

McGettigan fails to disclose the limitations of amended claim 44 regarding “a rod prism which is foldable such that the light entrance direction and the light exit direction differ.”

As disclosed in FIG. 36, one example of what is recited in claim 44, a portion on the incident side of the rod integrator 3' or a portion of the emitting side of the rod integrator 3' is foldable which allows the light entrance direction to the rod integrator 3' to differ from the light exit direction of the rod integrator 3'. (See FIG. 36 and paragraphs [0122]-[0123] of the application-as-published.)

Turning to McGettigan, the light entrance direction of the 3 light color pipe 82 is same as that of light exit direction of the integrating 3-light color pipe 82. (See FIG. 6A) In contrast, amended claim 44 requires the “rod prism” to have “the light entrance direction “ different from “the light exit direction.”

Secondly, McGettigan is silent on the limitations of claim 44 regarding the “cylindrical member” inside which “the whole or a part of the rod prism [being] is positioned.” As disclosed in FIG. 36, the black-and-white wheel 4B is formed around the integrator 3' in a cylindrical shape. (See paragraph [0121] of the application-as-published)

McGettigan's integrating 3-light color pipe 82 does not have any cylindrical member around itself. In contrast, claim 44 requires “the whole or a part of the rod prism” to be “positioned” “inside the cylindrical member.”

Thirdly, McGettigan's color filters 50, 52, 54, on which the Examiner relied to disclose "transmitters," and reflector 18 are not formed on any cylindrical member outside the 3 light color pipe 82, (the light integrator 12), but formed on the bottom or top face of the light integrator 12 (the color pipe 82) defined by cylindrical surface of the light integrator 12. In contrast, amended claim 44 requires the "cylindrical member" to "hav[ing]e light transmitters and reflectors alternately formed periodically on its surface," and "the whole or a part of the rod prism" to be "positioned inside the cylindrical member."

Finally, McGettigan is silent on the limitations of claim 44 regarding "the cylindrical member is rotated so that the irradiated light is scrolled."

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that McGettigan does not anticipate claim 44. Thus, claim 44 is patentable over McGettigan.

Allowable Subject Matter

Claims 1-43 were indicated as being allowable. Applicant would like to thank the Examiner for so indicating.

The Office Action included a Statement of Reasons for Allowance. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the particular reasoning set forth in the Statement, particularly to the extent if any that the wording used in the

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Statement may differ from the actual claim language and/or the otherwise proper interpretation of the claim language in view of the specification and prosecution history.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Hosang Lee
Limited Recognition No. L00,295

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:HL:lcb
Facsimile: 202.756.8087
Date: June 6, 2008

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